

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No. CR02-0400-JCC-JPD  
v. )  
CHARLES ROBINSON BERRY, ) SUMMARY REPORT OF U.S.  
Defendant. ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE

An evidentiary revocation hearing on supervised release violations in this case was scheduled before the undersigned Magistrate Judge on February 7, 2006. The United States was represented by Assistant United States Attorney John Lulejian, and the defendant by Mr. Timothy Kosnoff. The proceedings were recorded on cassette tape.

The defendant had been sentenced on or about April 23, 2003, to twenty-six (26) months in custody followed by three (3) years of supervised release by the Honorable John C. Coughenour on a charge of receipt of stolen mail.

In addition to the standard conditions of supervised release, which includes compliance with all local, state, and federal laws, special conditions of supervised release were imposed. These special conditions included, but were not limited to, substance-abuse and mental-health treatment programs, search and seizure procedures, maintaining a single checking account, procuring no new credit, no possession of identification other than true name, financial

REPORT AND RECOMMENDATION OF  
U.S. MAGISTRATE JUDGE AS TO ALLEGED  
VIOLATIONS OF SUPERVISED RELEASE  
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01 disclosure, and restitution.

02 A warrant for defendant's arrest was issued on January 18, 2006, and defendant was  
03 charged with violations of conditions of his supervised release. Defendant was remanded to  
04 custody until such time as the evidentiary revocation hearing was held on February 7, 2006.

05 In the Pretrial Petition for Warrant or Summons for Offender dated January 10, 2006,  
06 and the Supplemental Violation Report dated January 30, 2006, Mr. Michael S. Larson, U.S.  
07 Probation Officer, alleges the following violations of defendant's conditions of supervised  
08 release:

09 (1) Failing to report for drug testing as directed on December 13, 21, and 27, 2005,  
10 and on January 3, 2006, in violation of the special condition that he participate in drug testing  
11 as instructed by the probation officer.

12 (2) Failing to notify the U.S. Probation Office of a change in employment in  
13 violation of standard condition number 6.

14 (3) Possessing heroin on January 27, 2006, in violation of standard condition  
15 number 7.

16 (4) Using heroin on January 27, 2006, in violation of standard condition number 7.

17 (5) Possessing hypodermic syringes on January 27, 2006, in violation of standard  
18 condition number 7.

19 The defendant admitted to violations number 1 and 2, and waived his rights to any  
20 evidentiary hearing as to whether they occurred.

21 At the revocation hearing, the government dismissed alleged violations number 3, 4, and  
22 5.

23 I therefore recommend that the Court find the defendant violated his conditions of  
24 supervised release as to violations number 1 and 2, and that the Court conduct a hearing limited  
25 to disposition of these violations.

26 A disposition hearing on violation numbers 1 and 2 has been set before the Honorable

01 John C. Coughenour for Friday, February 20, 2006, at 9:45 a.m. Pending a final determination  
02 by the Court, the defendant has been detained.

03 DATED this 7th day of February, 2006.

*James P. Donohue*

04  
05 JAMES P. DONOHUE  
06 United States Magistrate Judge  
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cc: District Judge: The Hon. John C. Coughenour  
AUSA: Mr. John Lulejian  
Defendant's attorney: Mr. Timothy D. Kosnoff  
Probation officer: Mr. Michael Larson